



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 156

WASHINGTON, MONDAY, NOVEMBER 29, 2010

No. 153

## Senate

The Senate met at 2 p.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our God and provider, we thank You for the many blessings we enjoy as citizens of this great Nation. May we be good stewards of Your gifts. Lord, as we reflect on the future, we pray that Your sovereign presence will protect us from evil and equip us to do what is right and just and good.

We pray for our Senators today, asking that You would keep them in good health and focused on Your plans to guide and prosper them and the Nation they serve. We are grateful that You are here on Capitol Hill, listening, watching, and judging. May all of our elected leaders do what is right for Your everlasting glory.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable AL FRANKEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, November 29, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

DANIEL K. INOUE,

President pro tempore.

Mr. FRANKEN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period of morning business until 4 p.m. today, with Senators permitted to speak for up to 10 minutes during that period of time. Following morning business, the Senate will resume consideration of the Food Safety Modernization Act. At 5:30 today, Senator-elect MARK KIRK will be sworn to be a Senator from the State of Illinois. At 6:30, the Senate will proceed to vote on the substitute amendment to the food safety bill. Under an agreement reached before the recess, if cloture is invoked, all postcloture debate time will be yielded back except for the time allotted in agreement and the only amendments or motions in order are motions to suspend the rules offered by Senators JOHANNIS and BAUCUS, both relating to 1099 forms, and two offered by Senator COBURN, one relating to earmarks and another, a complete substitute for the bill. If cloture is invoked, we will debate the motions and then stack the votes for later tonight. There is up to 1 hour total on the JOHANNIS and BAUCUS motions and 4 hours on the COBURN motions. Upon disposition of the motions, the Senate will proceed to vote on passage of the food safety bill.

I spoke to Senator MCCONNELL earlier today. It was suggested that what

we would do, if we can get permission from the Senate, is have the two votes. We will have the cloture vote and JOHANNIS and BAUCUS, and then there is 4 hours of debate, which would put us until 11, 11:30 tonight. I think Senator MCCONNELL and I believe it would be to everyone's interest to have those three votes in the morning at 9 o'clock. Senator MCCONNELL and I have a meeting at the White House, and we would have to have the votes start at 9. That is where we will try to get to, so everyone should be alerted to the schedule issue.

### UNIVERSITY OF NEVADA'S UPSET OF BOISE STATE

Mr. REID. Mr. President, when you talk about the top teams in college football since the start of the century, you have to talk about Boise State University. A lot of people know about their famous blue turf and their quick, creative offense. Even casual college football fans can talk like experts about the stunning trick plays that led the Broncos over a heavily favored Oklahoma team in a 2007 bowl game.

It is decidedly one of the most dominant programs of the decade. How dominant? Since Boise State joined the Western Athletic Conference in 2001, it had lost just four conference games in 10 years.

On Friday night in Reno, it lost its fifth.

Boise State came in ranked third in the country and was on track for its third undefeated season in 5 years. It had a shot at the national championship. But thanks to the University of Nevada Wolf Pack and its brilliant head coach, Chris Ault, Boise State is no longer in the running. And now when you talk about the top upsets in college football, you have to talk about Nevada.

Nevada and Boise State have been rivals for a long time—back when they played in the Big Sky and Big West Conferences, and in the Western Athletic Conference where they play

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S8207

today. They will soon leave the WAC together to join the Mountain West Conference, and the rivalry will continue. Although some recent games have been close—the 2007 one went to four overtimes—Nevada had not won since 1998.

But this year's Nevada team has been among the best in school history. It leads the conference in offense, rushing yards and points scored. After this weekend's win, it is ranged fourteenth in the country.

Still, beating a powerhouse like Boise State was no piece of cake. No one had beaten the Broncos since December 2008. The Wolf Pack were 14-point underdogs. They were down 17-0 late in the second quarter. Then quarterback Colin Kaepernick led an incredible second-half comeback and forced overtime.

They won the game when a 5-foot-6 freshman from McQueen High School in Reno, a young man named Anthony Martinez, kicked the most important field goal in State history.

It was not that long ago that the University of Nevada did not even field a Division I team. Now our proud program has knocked off one of the toughest teams in the Nation.

It is no fluke. Coach Chris Ault is an exceptional leader and a good man. I am proud to call him a very good friend.

I have known Chris for a long time. When he was just 23 years old, he became the youngest high school head coach in the state, leading the Bishop Monogue Miners in Reno. I was a member of the school's athletic booster club, and I was impressed with Chris Ault from the day I met him.

He led the Wolf Pack as its quarterback in the 1960s, as its athletic director two decades later, and has been its head coach three times, totaling 26 years. He is one of the smartest coaches in the country. A few years ago he invented the Pistol offense. Now schools across the Nation, and even some NFL teams, are copying it.

In fact, only two men enshrined in the College Football Hall of Fame are still actively coaching at the sport's highest level: the legendary Joe Paterno and Nevada's Chris Ault.

At the end of October, I was in church in Reno when a tall young man sat down next to me. It was Nevada's quarterback, Colin Kaepernick, preparing himself spiritually for the next game. In Friday's game, he became the first player in NCAA history to throw for more than 2,000 yards and run for 1,000 yards in three straight seasons.

Sometimes it is true what they say—that it is just a game. But this is one of those times when it is much more. This remarkable, memorable win means so much for an underrated and underappreciated athletic program, for a great university and for the whole State of Nevada.

Congratulations to Coach Ault, Colin Kaepernick, Anthony Martinez and the Wolf Pack. I never doubted you would pull it off.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Pennsylvania.

#### START TREATY RATIFICATION

Mr. SPECTER. Mr. President, I have sought recognition principally to urge my colleagues to ratify the START treaty with Russia. I ask unanimous consent at the outset that the text of a memorandum from Senator JON KYL and Senator BOB CORKER, two Republican Members, dated November 24, 2010, regarding progress in defining nuclear modernization requirements be printed in the RECORD at the conclusion of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. I urge my colleagues to move ahead with the prompt ratification of this treaty.

I have long been interested in the relationship between the United States and the Soviet Union, predecessor to Russia, on the issue of arms control, going back to my college days as a student of international relations.

One of the first items which attracted my concern on election to the Senate was a Saturday speech made by then-President Reagan where he said essentially that the United States had sufficient weapons to destroy the Soviet Union and, similarly, the Soviet Union had sufficient weapons to destroy the United States. For decades, the two countries lived under the truce, so to speak, of mutual assured destruction. That has given way to arms control negotiations and the successful negotiation of treaties. For example, the START I treaty in 1992 was approved by a margin of 93 to 6. The START II treaty of 1996 was approved by a margin of 87 to 4. The Moscow Treaty of 2003 was approved by a vote of 98 to nothing.

The memorandum I have referenced raises a number of concerns which I submit to my colleagues ought not to stop us from moving ahead with ratification. For example, the memorandum makes this point on page 5:

Additional funding could be applied to accelerate the construction of these facilities to ensure on schedule completion. . . .

Well, there is no showing of a problem on on-schedule completion. To talk about "additional funding could be applied" is far from saying it is necessary for our national security.

The memorandum further says:

Further Administration effort to advance funding is the best path to successful completion of these facilities.

Well, here again, there is no showing that advance funding is necessary for successful completion. It simply says it "is the best path to successful completion of these facilities," but no showing that the current path is not an adequate path.

The memorandum, in another spot, makes this statement:

. . . the NNSA is reviewing an updated surveillance plan that could lead to greater budget requirements.

"Could." It does not say it would lead to greater budget requirements, and what is speculative as to what could happen ought not to be taken as any reason for objecting to the ratification.

Still later in the memorandum there is the statement:

. . . there are still no costs or funding commitments beyond FY 2015.

Well, that is not surprising when we are in the year 2010. Adequate time to consider and make commitments beyond 2015 is hardly a reason not to move ahead with ratification.

Then, on page 5, under the category of "Conclusion," there is a statement about "assurances from the appropriate authorizers and appropriators must be obtained to ensure that the enacted budget reflects the President's request."

Well, that is unrealistic. There is no way to get assurances from authorizers—that is referring to the Armed Services Committee—or the appropriators, specifically the Defense Appropriations Subcommittee, a subcommittee on which I have served during my tenure.

When you talk about getting assurances from legislators, from Senators, from Members of the House of Representatives, that, simply stated, is unrealistic, I submit.

The concerns I had in the early days of my tenure in the Senate led me to propose a resolution for a summit meeting which was contested by Senator Tower, who was then-chairman of the Armed Services Committee. On this floor—I can still see Senator Tower on the end seat in the third row back and I in the junior league my first couple of years in the Senate. Senator Tower was a tough advocate. We had quite a protracted debate about the triad.

I had done my homework. I had been to Grand Forks, ND, and seen the Minuteman II. It was my first experience seeing a nuclear weapon, and it was quite a sight. I recall looking down an open space—I think it went close to 100 feet, perhaps 90 feet; I would not affirm exactly what it was—and seeing the Minuteman II, and that was, in effect, small potatoes compared to what we have had since. I went to the Air Force base in California to look at the B bomber, the B-1 or the B-2 at that time, and to South Carolina to Charleston to see the nuclear submarines.